

(R-92-245)

RESOLUTION NUMBER R-278519

ADOPTED ON AUGUST 6, 1991

WHEREAS, on June 27, 1991, the Planning Commission recommended approval of Planned Industrial Development (PID) Permit No. 90-1123 (amending PID Permit No. 40-021) submitted by Scripps Wateridge Associates, a limited partnership, Owner/Permittee, to delete 24.5 acres from the existing 89-acre Wateridge Industrial Park to allow for the development of the Villas at Wateridge, Planned Commercial Development Permit No. 90-1123; the site is located east of Vista Sorrento Parkway and north of Mira Mesa Boulevard, and described as Lots 1 through 7 and Lots 19 through 32 of Wateridge I, Final Map No. 10602, in the Mira Mesa Community Plan area, in the M-IP zone; and

WHEREAS, the matter was set for public hearing on August 6, 1991, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Planned Industrial Development Permit No. 90-1123 (amending PID No. 40-021):

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SAN DIEGO, CALIF.

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1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Mira Mesa Community Plan.

The proposed apartments will provide housing opportunities in a convenient location for employees of the Sorrento Mesa area. There is currently no housing in the immediate vicinity. The proposed athletic center will provide residents and area employees with a recreational facility that is likely to attract users at early morning, noon and early evening hours, thus reducing peak hour automobile trips.

2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity.

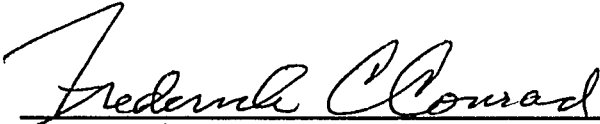
3. The proposed use will comply with the relevant regulations in the Municipal Code. The project complies with the regulations for the planned commercial development ordinance, coastal development permit ordinance, the land use designation of the proposed Mira Mesa Community Plan Amendment and Local Coastal Program.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Industrial Development Permit No. 90-1123 is hereby granted to Scripps

Wateridge Associates, a limited partnership, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
08/13/91
Or.Dept:Clerk
R-92-245
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PLANNED INDUSTRIAL DEVELOPMENT (PID) PERMIT NO. 90-1123
AMENDMENT TO PID PERMIT NO. 40-021

CITY COUNCIL

This planned industrial development permit is granted by the Council of The City of San Diego to Scripps Wateridge Associates, a limited partnership, Owner/Permittee, pursuant to Section 101.0920 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct and operate a planned industrial development located east of Vista Sorrento Parkway and north of Mira Mesa Boulevard, described as Lots 1 through 7 and 19 through 32 of Wateridge I, Map No. 10602, in the M-IP zone.
2. The facility shall consist of the following:
 - a. Sixteen light industrial and office buildings totalling 1,500,000-square-feet on approximately 55-acres;
 - b. Landscaping;
 - c. Off-street parking; and
 - d. Incidental accessory uses as may be determined and approved by the Planning Director.
3. Not fewer than 8,900 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated August 6, 1991, on file in the office of the Planning Department. Parking spaces shall be consistent with Chapter X, Article 1, Division 8, of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be clearly marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
4. Driveway openings shall be at least 30 feet wide.
5. A minimum 20-foot roadway shall be provided on each side of all entry islands.
6. Decorative paving in the dedicated right-of-way is subject to approval by the City Engineer and will require an encroachment permit.

7. Approval of this project is subject to City Council approval of the associated rezone of Lots 8 through 17 and a portion of Lot 18 to the CA zone; community plan amendment; and Planned Commercial Development Permit/Coastal Development Permit No. 90-1123.
8. Prior to the issuance of any building permits, building elevations for each lot are to be reviewed by the Planning Director for approval.
9. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit A," dated August 6, 1991, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
10. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated August 6, 1991, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.
11. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.
12. The effective date of this permit shall be the date of final action of approval by the California Coastal Commission for Local Coastal Program Amendment No. 90-1123.
13. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
14. After establishment of the project, the property shall not be used for any other purposes unless:
 - a. Authorized by the City Council; or
 - b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
 - c. The permit has been revoked by the City.
15. The property included within this planned industrial development shall be used only for the purposes and under

the terms and conditions set forth in this permit unless authorized by the Planning Director or the permit has been revoked by The City of San Diego.

16. This planned industrial development permit may be cancelled or revoked if there is a material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by The City of San Diego or Permittee.
17. This planned industrial development permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
18. Permanent and temporary signs shall conform to city-wide sign regulations and be administered by the Sign Code Administration Division of the Planning Department.
19. To the extent this condition is consistent with state and local laws, this project shall comply with the standards, policies and requirements in effect at the time of approval of this project, including any successor or new policies, financing mechanisms, phasing schedules, plans and ordinances relating to growth management adopted by The City of San Diego after January 11, 1990. The Owner/Permittee may challenge the legality of the imposition of future requirements pursuant to this condition at the time such future requirements and their impact on the project are defined.
20. It is a stipulated condition of PID No. 40-021 that the land included in the area shown on the PID (Wateridge I) may be used for any use permitted under M-IP zoning, subject, however to the limitations of the following paragraphs a., b. and c.
 - a. In the aggregate, not more than five hundred forty thousand (540,000) square feet of the gross floor area of buildings developed in the land area included in the PID, may be used for any or all of the following business and professional establishments:
 - accountants
 - architects
 - attorneys
 - real estate brokers
 - labor unions and trade associations
 - addressing and secretarial services

insurance agencies
photographers
graphic artists
drafting and blueprinting

- b. There shall be no freestanding restaurants or fast food (for consumption off the premises) establishments. A restaurant or fast food establishment shall not be deemed freestanding if located within a building or other structure which includes or is designed and intended to include other uses. The aggregate square footage of gross floor area of all restaurants and fast food establishments (excluding employee cafeterias, vending machine areas and other food or beverage facilities operated primarily for employees of, or occupants of, buildings or premises) shall not exceed forty thousand (40,000) square feet at any time.
- c. There shall be no freestanding full service banks, savings and loans or similar financial institutions serving the general public. A bank, savings and loan or other financial institution shall not be deemed freestanding if located within a building or other structure which includes or is designed and intended to include other uses. The maximum number of full service banks, savings and loans or similar financial institutions servicing the public shall at no time exceed four (4). None of the full service banks, savings and loans or similar financial institutions can include drive-through tellers.

The following reporting requirements shall at all times apply to tenancies or other occupancies of all or portions of Wateridge I:

- a. On an annual basis, on or before April 1 of each successive year, the applicant shall file with the Planning Department of The City of San Diego a list of all tenants or other occupants of Wateridge I, as described in PID No. 40-021, the Standard Industrial Code(s) applicable to their use of the premises leased to or occupied by them, and a statement of the number of square feet of gross floor area occupied by such tenant or occupant in each case as of the 31st of December of the immediate preceding year. The requirement to file such a list shall commence in the year in which a lease to or occupancy by any person or entity first occurs.
- b. In addition to the reporting requirements of subparagraph a., the owner or its agents shall also make the reports required by this subparagraph b. from and after the time when both (i) at least five hundred forty thousand (540,000) square feet of gross floor

area have been leased to or occupied by any person or entity and (ii) more than four hundred forty thousand (440,000) square feet of gross floor area have been identified by the Planning Department of The City of San Diego as used or occupied by any person or entity for any purpose restricted by the provisions of PID Condition No. 15. From and after such time, the owner or its agents, before permitting occupancy of any additional area of any buildings by any lessee or other occupant shall notify the Planning Department of the number of square feet of gross floor area to be occupied and the standard industrial code(s) applicable to such additional area.

21. The subdivider shall provide a number of traffic generator studies at various times during the development of the project. These traffic generator studies will be as required by the City Engineer, with the maximum of three being required. These studies will provide the necessary data for the review of further developments of this type. The final traffic generator study should be conducted when WATERIDGE I and II are completely built out. These traffic generator studies must count all trips entering and leaving the development for a minimum of seven consecutive days and shall conform to the San Diego Association of Governments (SANDAG) standards for traffic generator studies.
22. A portion of Lot 18, which contains the sedimentation basin for this project, shall remain under the private ownership and maintenance as provided in approved CC and R's.
23. This permit shall not become effective until Planned Commercial Development/Coastal Development permit No. 90-1123, Mira Mesa Community Plan Amendment, and Rezone No. 90-1123 are approved by the City Council.
24. In the event that any condition of this permit, on a legal challenge by the Owner/Permittee of this permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void. However, in the event that challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Planning Director shall have the right, but not the obligation, to review this permit to confirm that the purpose and intent of the original approval will be maintained.

APPROVED by the Council of The City of San Diego on August 6, 1991.

R-278519

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

CHARLES G. ABDELNOUR, City Clerk
The City of San Diego

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

SCRIPPS WATERIDGE ASSOCIATES,
a limited partnership
Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
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R 278519

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AUG 06 1991

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Blonda R. Burns*, Deputy.

Office of the City Clerk, San Diego, California

Resolution **R-278519** Adopted **AUG 06 1991**
 Number Adopted.....